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5 SENIOR DISTRICT JUDGE ROBERT J. BRYAN
6 MAGISTRATE JUDGE DAVID W. CHRISTEL

7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 BERNARDINO GINO SANDOVAL,

11 Plaintiff,

12 v.

13 MIKE R OBENLAND, et al.,

14 Defendants.

NO. 3:17-cv-05667-RJB-DWC

DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION FOR AN
ORDER TO COMPEL DISCLOSURE

15 The Defendants, respectfully file their response to Sandoval's Motion for an Order to
16 Compel Disclosure. ECF No. 18.

17 **I. INTRODUCTION**

18 Sandoval filed a civil rights complaint alleging his constitutional rights were violated
19 when the Defendants denied his marriage application to another inmate and placed him into
20 segregation. In his complaint, Sandoval asserts he was being investigated by the Intelligence and
21 Investigation Unit who also retaliated against him for attempting to marry another inmate.
22 Through this motion, Sandoval seeks an order compelling the Defendants to disclose the
23 identities of the staff who conducted the investigation.

24 **II. RESPONSE**

25 Sandoval sent the Defendants a letter requesting they identify staff members of the
26 Intelligence and Investigation Unit "who investigated Mr. Sandoval between June, 2014 through

August 2014.” Declaration of Candie M. Dibble in Support of Defendants’ Response to Plaintiff’s Motion for An Order to Compel Disclosure (Dibble Declaration), Attachment A. The Defendants informed Sandoval that there was no actual “investigation” that was conducted in 2014 and that the letter that noted an investigation was simply a reference to his transfer pending investigation unit authorization. When Sandoval indicated that the response was not adequate, Defendant’s counsel encouraged Sandoval to serve formal discovery requests to seek additional information. Dibble Declaration, Attachment B.

As noted by the Defendants' previous response, there are no staff members to identify because there was no such investigation that actually occurred in 2014. After this notification, Sandoval has never sought or requested information related to authorization for his housing transfer.

III. CONCLUSION

The Court should deny Sandoval's motion for an order to compel disclosure because he seeks information for an event which did not occur. Sandoval can serve formal discovery requests to seek any additional information related to his transfer that would likely lead to the discovery of admissible evidence related to his claims.

RESPECTFULLY SUBMITTED this 28th day of February, 2018.

ROBERT W. FERGUSON
Attorney General

s/ Candie M. Dibble
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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Defendants' Response to Plaintiff's Motion for an Order to Compel Disclosure to be electronically filed with the Clerk of the Court using the CM/ECF system, and I certify that I mailed by United States Postal Service the document to the following non CM/ECF participants:

BERNADINO G. SANDOVAL
27660-42ND AVENUE SOUTH
AUBURN, WA 98001-1153

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 28th day of February, 2018, at Spokane, Washington.

s/ Patty Willoughby
PATTY WILLOUGHBY
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